

**PUBLIC WORKS  
AND  
PUBLIC TRANSPORTATION COMMITTEE  
of the  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, **August 2, 2005.**

**MEMBERS PRESENT:**

Legislator Allan Binder • Chairman  
Legislator Peter O'Leary • Vice•Chairman  
Legislator John Kennedy  
Legislator Brian Foley  
Legislator Ricardo Montano  
Legislator Angie Carpenter • Excused Absence

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature  
Gail Vizzini • Budget Review Office  
Kevin Duffy • Budget Review Office  
Charles Bartha • Commissioner • DPW  
Bob Shinnick • Transportation Department • DPW  
Richard LaValle • Chief Deputy Commissioner • DPW  
Leslie Mitchel • Deputy Commissioner • DPW  
Alexandra Sullivan • Chief Deputy Clerk • Legislature  
Bill Faulk • Aide to P.O. Caracappa  
Ben Zwirn • County Exec's Office  
Lynne Bizzarro • County Attorney's Office  
Jack Libert • WLG  
Carol Trudel

All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney • Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano • Court Stenographer

***(\*The meeting was called to order at 1:47 P.M. \*)***

**CHAIRMAN BINDER:**

If everyone would rise for the Pledge led by Legislator Fisher.

### **SALUTATION**

**CHAIRMAN BINDER:**

The meeting of the Public Works and Public Transportation Committee will come to order. I don't have any cards. Is there anybody that wanted to come before the committee that hasn't given a card? Now I have somebody standing. You can sit there. Say your name for the record.

**MS. TRUDEL:**

My name is Carol Trudel. I'm a resident, and I'm also a board member of Waverly Park in Holtsville. And we come here to ask for your support in the Introductory Resolution 1735, which directs the Suffolk County Sewer Agency to prepare a report and make recommendations necessary to initiate the process which may ultimately result in the formation of a County Sewer District in Waverly Park Condominiums. We're asking this because Waverly Park is about 30 years old. Our sewer system right now is not up to par, and it is somewhat a burden on many of the residents there. We have a number of elderly people and just general middle class people. And you know, it's just a lot of money right now that we would have to put out.

**CHAIRMAN BINDER:**

Anybody have any questions? Nothing from you, Bill? Even though you are not a member of

the committee, I figured you would want to say something.

**LEG. LINDSAY:**

Really just to expand a little bit on Carol's statement, I've been working with the community. They're asking •• the Condominium Association to do it privately is asking for quite a sizeable amount of money up front. If it was feasible to make it a sewer district, the community realized they would pay sewer district, you know, continuously. But through the County's buying power, how we can borrow money and bond it, it would make it less onerous, especially on the seniors in the community in terms of their carrying charges every month. You know, the community is asking for us to look at it and see if it's feasible, that's all.

**LEG. VILORIA • FISHER:**

Can we ask Charlie about that later on?

**CHAIRMAN BINDER:**

Sure. Charlie is going to be up here and there would be plenty of opportunity for that conversation. Any other questions? If not, thank you for coming up.

**MS. TRUDEL:**

Thank you.

**CHAIRMAN BINDER:**

Having no other cards and no one else raising their hand to come up, we're going to go to the agenda. Charlie, I know you want to come up alone. Nobody has to ride shotgun for Charlie. He's been doing this, like, what, a year, half a year?

**COMMISSIONER BARTHA:**

I think I can make it on my own.

**LEG. CARPENTER:**

If you can make it here, you can make it anywhere.

**CHAIRMAN BINDER:**

Okay. We're going to go to Tabled Resolutions. **1146, authorizing execution of agreement**

**by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of Tilles Corporation Center East (COUNTY EXEC).** I'm going to make a motion to table, seconded by Legislator o'Leary. The reason I'm making the motion is that the one before us is for a corporate center. It's actually for commercial. And apparently there has been a change from commercial •• a request last month for 60,000 gallons for residential. And so this is not even listed as what it's supposed to be as.

Now going forward, I will just make this statement on the record. I would have a hard time •• I might not be here when this comes before the Legislature, and I hope that the Legislators •• the Legislator who comes after me from my district and for the 17th District opposes this. And I can go into various reasons, but this is not, as far as I'm concerned, a proper place for commercial development •• I mean for residential development. It is proper for commercial. And that's what we should have here, and this shouldn't change. So at this juncture, this needs to be tabled nonetheless ••

**MS. SULLIVAN:**

Mr. Chairman.

**LEG. FOLEY:**

Mr. Chairman.

**LEG. VILORIA • FISHER:**

We just got a corrected copy.

**CHAIRMAN BINDER:**

I don't have a corrected copy. Legislator Foley.

**LEG. FOLEY:**

Just on the motion, Mr. Chairman. I believe that our Clerk has a copy of an amended copy of resolution.

**MS. SULLIVAN:**

What I would like to say is that if this doesn't pass today, the Six Month Rule would apply on August 15th, and it will be dead.

**CHAIRMAN BINDER:**

Right. Then a new one could be put in that would be proper in terms of the fact that it would be residential. I don't think we should look at a residential question here in one day, just hand this to us and just this pass this today. There would be an opportunity for the County Executive's people to put in something else. As I said, I'm going to strenuously oppose any residential hook•up here. There's no reason for giving a hook•up to this residential question. I know they're going to say that there's affordable housing there. We were supposed to have that at the Greens also, and they still haven't built it to this day. So there's real questions about affordable housing and what kind of component there would be anyway. This is not a proper place. This would have been proper for a commercial hook•up, and we could have talked about that. But this is not •• and my concern, and I have been holding this up because I thought they would use the commercial for this residential opportunity, and again, would put an incredible burden on Half Hollow Hills School District and a good part of Huntington. Even though it's supposedly senior housing, a lot of people would leave Dix Hills, their homes, go into these. This is exactly what happened at the Greens opening up a number of homes for families in kind a flood •• this is what happened. It is •• it drastically raised taxes in Half Hollow Hills. And this area is right by 110, it is the perfect area for commercial development, for commercial buildings, which would bring taxes into the area and our children. And it's not a proper place for this. So in any event, I would like to table this. I have a motion and a second to table.

**LEG. FOLEY:**

On the motion, Mr. Chairman.

**CHAIRMAN BINDER:**

On the motion, Mr. Foley.

**LEG. FOLEY:**

Thank you. If we can hear from the Commissioner. Do you have any comments on this? Mr. Chairman, if there's anyone in the audience who also may have •• like to speak to the issue. Always as a committee, we've always given the public a chance to speak on bills before the committee.

**CHAIRMAN BINDER:**

Why would you have to remind of that, Mr. Foley?

**LEG. FOLEY:**

It's nothing to get excited about.

**CHAIRMAN BINDER:**

Well, why would you have to remind me of that?

**LEG. FOLEY:**

Why are you raising your voice?

**CHAIRMAN BINDER:**

I'm asking why you would have to remind me that, Mr. Foley. Mr. Foley, no one had asked •• I don't have a card. If someone wants to hand in a card, they can always do that. Have I ever denied anyone the ability to speak, Mr. Foley?

**LEG. FOLEY:**

I am not implying so.

**CHAIRMAN BINDER:**

Well, good. Commissioner. You did imply it, by the way. Mr. Commissioner.

**COMMISSIONER BARTHA:**

I would simply point out that the total capacity sought by this proposed connection is 60,000 gallons. Twenty seven thousand gallons was approved a number of years ago. This would total 60,000. And the connection fee to the sewer district, it would wind up connecting to the Southwest Sewer District if it's approved, would be \$900,000.

**CHAIRMAN BINDER:**

Legislator O'Leary.

**LEG. O'LEARY:**

Charlie, I just want to get to the heart of the matter. Is it true what Legislator Binder is saying or asserting, that this is initially a commercial corporate center that's been changed to a

residential complex?

**COMMISSIONER BARTHA:**

That's correct.

**LEG. O'LEARY:**

It is. Okay.

**COMMISSIONER BARTHA:**

It has changed a number of times, and now it's PRC.

**LEG. O'LEARY:**

All right. Thank you.

**CHAIRMAN BINDER:**

With emphasis on PR. Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

The Chair also stated that there's a possibility that there's a consideration that this would be earmarked for affordable housing, for an affordable housing project?

**COMMISSIONER BARTHA:**

That would be really up to the developer to respond to.

**LEG. VILORIA•FISHER:**

Okay. So it hasn't come from •• the PRC hasn't looked at the plans for this as an affordable housing complex? You are saying that there's a possibility that some time down the road the developer might look at that, or have we offered them incentives with regard to the hook•up?

**COMMISSIONER BARTHA:**

It's not a sewer agency issue, I mean, that's the only thing I can address.

**CHAIRMAN BINDER:**

I can probably answer that, and I'm sure Mr. Libert would be able to answer that. In the proposal, there is going to be supposedly a percentage of affordable senior homes. So it's a

piece of the whole entire project, or at least as proposed. Mr. Libert, I just got your card, and I would never deny you an opportunity to speak.

**MR. LIBERT:**

I know that, Legislator. I'm sorry I neglected to turn the card in. I appreciate the opportunity to be heard.

**CHAIRMAN BINDER:**

No problem.

**MR. LIBERT:**

As you have indicated, the project will have an affordable component. Huntington Town Code dictates now that there be a 20% affordable component, and that is contemplated within the plans that are being proposed. I know that the •• this is a change of the original intended use of the property. The change was made really in response to community sentiment rather than the developer's sentiment. I know we've had some discussion with several of the civics, including Northgate and Millenium Hills. I believe there's an organization called Leaves and Grass and House Beautiful, all of whom would like to see this •• at least have indicated to us they would like to see this developed as a senior project. And so we would ask that it go forward particularly in light of the fact that it will otherwise delay it by running afoul of the Six Month Rule and set everything back that much longer.

**CHAIRMAN BINDER:**

Well ••

**LEG. VILORIA•FISHER:**

Mr. Chair, I have another question.

**CHAIRMAN BINDER:**

Sure. Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

With regard to the change of use, what is the status, vis•a•vis the Town's zoning regulations?



**MR. LIBERT:**

We have an application pending before the Town.

**CHAIRMAN BINDER:**

So what we have here, members of the committee, is a project that has a change in the sewer agency, a pending change in zone that has not passed town, so they don't even have the change in zone based on the current application that you are supposed to vote on today. You're hearing that some civics may be interested, but I think that there's a lot of surveying to do, because I think that there would have to be some real understanding in the park, particularly with the Half Hollow Hills School District. As we know 65, 70% of the people's property taxes come out of the schools. And the possible hit to the school district could be enormous. And it's not as if they haven't absorbed there share of senior housing, affordable housing and such.

Mr. Libert, I know you had something to do with the Greens some time back in some other life. And as you know might know, the affordable component isn't even built yet, and the developer at this point is complaining that after years, he didn't build this, and now he's saying it's going to cost so much more that he can't even do it at that level. So he's negotiating with the Town to try to get a higher price when he could have built it upfront and could have taken care of that. He took care of the profit center first and then •• now he's talking about affordable. So I have a real concern about this thing going forward, the impact it's going to have on Huntington. And for us to do a hook•up here, I think without the town having even passed the change in zone and only an application pending, would not be proper for us, and that's why I'm making a motion to table.

**LEG. VILORIA•FISHER:**

One more comment.

**CHAIRMAN BINDER:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Mr. Libert, is that how you see it?

**MR. LIBERT:**

Yes.

**LEG. VILORIA • FISHER:**

Thank you. With regard to the units that you are planning in this proposal, what size are they?

**MR. LIBERT:**

The units will be approximately 1800 square feet to 2400 square feet.

**LEG. VILORIA • FISHER:**

How many bedrooms?

**MR. LIBERT:**

Two.

**LEG. VILORIA • FISHER:**

They would be two bedroom units. Okay. And they're attached rentals or?

**MR. LIBERT:**

No rental. All will be for purchase, and they will be attached in clusters.

**LEG. VILORIA • FISHER:**

Attached in clusters. Okay. No one bedroom? Because many times the affordable component also has a one bedroom, which has a •• decreases the impact on school districts when there are studios and one bedrooms involved.

**MR. LIBERT:**

My experience has been, and as Legislator Binder has said, I have been involved with this field for a number of years, there is not a great market even among seniors for the one bedroom. They all want that second bedroom. It's something that just becomes very important.

**LEG. VILORIA • FISHER:**

Well, as a member of the Workforce Housing Commission, we have seen that there is also a need for the one bedroom and the studio for the workforce and youngsters that we're trying to keep here in Suffolk County, young people. Okay. Thank you, Mr. Libert.

**MR. LIBERT:**

Thank you.

**CHAIRMAN BINDER:**

Let me add one more thing to this and that point. One of the things that I think seniors need in Suffolk County are affordable rentals, not 1800 and 2400 square feet, 400, five, six, these are probably going to be 800,000. I don't know. We're guess eight 900,000. The ones in the Greens now, which were sold for three or 400, as you may remember, are now selling literally for \$900,000. People are clamoring to get in to buy. But there are many seniors who are not going to be able to spend 900,000, and a small component is not going to help.

The truth is if we have such a large opportunity here for affordable housing, and if we want to help the seniors, what we should probably be doing is talking to this developer about creating a rental, smaller, smaller, maybe even more density, but especially if we can get in the sewer district. We can have incredible density. We could have affordable rentals, smaller, and we can probably •• I'm sure the developer would do very nicely making some money, but they would be doing the community, the senior community of Long Island, a real service rather than high priced, mostly 80% high priced unaffordable houses. Maybe we can do a large rental opportunity affordable for seniors, and that's what they really need now.

**LEG. VILORIA • FISHER:**

They can do affordable purchases also, a smaller unit.

**CHAIRMAN BINDER:**

Well, you can, but the problem was •• right. You might be able to do that, but you would have to have a lot of very small units. And as Mr. Libert said ••

**MR. LIBERT:**

And it would probably need some kind of tax abatement as well, and that's really •• that's the flip side of the affordable senior units. If you •• with the school district, you've got the advantage subject to what you said of people moving out of their houses. But you have the advantage of not putting more kids in the school, at least in theory. And I understand your point, Legislator.

But the flip side of that is if we want to make them very affordable, I'm working on a project now in Dutch Broadway in North Valley Stream, they're going to be sold probably in the 200,000 vicinity, which I never thought in my lifetime I would think a \$200,000 house was an affordable house, but I am told that it is. The point is that in order to do that they need to get some sort of tax abatement, whether it be Article Five, Private Housing Finance Law, and that's something that does impact the school district. So it's a double•edge sword. I just want to add, and I know you didn't suggest this in any way directed in my direction, in terms of what has happened at the Greens in not fulfilling their obligations ••

**CHAIRMAN BINDER:**

No, I don't think you are doing that any more.

**MR. LIBERT:**

I am not doing it any more, and I can tell you that as long as I was there, I was very insistent on upon that being the first priority as were some of the partners, others were not.

**CHAIRMAN BINDER:**

Right. And I know that. I will put on the record that you in your work there acted incredibly admirably in putting that together, in doing the right thing. We all believed this was going to be the right thing. There are some unfortunate consequences that happen, I think the most irksome now is to find they haven't dome the affordable and are now saying, well, it's now costing so much to do it. If they did it up front, they would have been able to do it.

**MR. LIBERT:**

Well, if it was a hypothetical situation and not one in which I was involved, I might ask why the Town doesn't forfeit their bond. But that's a hypothetical.

**CHAIRMAN BINDER:**

And hypothetically, I might be asking the same question, Mr. Libert, in some other realm having nothing to do with the Legislature, particular Legislative concerns. Mr. Kennedy.

**LEG. KENNEDY:**

Just a couple of questions about where the approvals that are currently in place and then the contemplated change of zone. Presently there's a permit to construct for commercial space on

this?

**MR. LIBERT:**

There's not a permit to construct, the zoning is in place. There's been a change of zone to commercial and industrial, yes.

**LEG. KENNEDY:**

Okay. Has there been any SEQRA determination as far as on the commercial side?

**MR. LIBERT:**

Yes.

**LEG. KENNEDY:**

There has. And obviously, I guess, it came out as a negative impact. As far as the change that you are looking to propose or move up to, how many units? What's the approximate yield?

**MR. LIBERT:**

Two forty four.

**UNKNOWN AUDIENCE MEMBER:**

Three forty four.

**LEG. KENNEDY:**

Three hundred and forth four units?

**MR. LIBERT:**

Yes.

**LEG. KENNEDY:**

And would there be a SEQRA determination associated with that change?

**MR. LIBERT:**

Of course.

**LEG. KENNEDY:**

Okay. And so you would more than likely have some additional traffic, some additional other types of items that would have to be addressed?

**MR. LIBERT:**

Yes. We would be doing a supplemental •• because there was an area study in that corridor, every individual property that's built does a supplemental as we did with the commercial application.

**LEG. KENNEDY:**

That gets added on top. In other words, a GEIS, you would have supplemental for project specific?

**MR. LIBERT:**

Correct. A supplemental draft environmental •• yes.

**LEG. KENNEDY:**

Okay. But that would also entail probably anywhere from six months to a year in order to go ahead and complete that even supplementally.

**MR. LIBERT:**

I appreciate your optimism.

**LEG. KENNEDY:**

Okay. So again, I think, you know, some of what we talked about is there appears to be some time yet to go associated with this project. Thank you.

**MR. LIBERT:**

Thank you.

**CHAIRMAN BINDER:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Pardon me, but when I had heard the comments I thought that it was mixed ages, is this

strictly retirement, because when I heard about the impact to school districts, I assumed that it would be including younger families with children?

**MR. LIBERT:**

This is age restricted.

**LEG. VILORIA • FISHER:**

It's age restricted. Okay.

**LEG. LINDSAY:**

Active seniors.

**CHAIRMAN BINDER:**

Right, active seniors. Let me explain what my comment was about. We have a very large community, the Greens, as again, Mr. Libert knows, he was involved in it, what we found •• and I was very big proponent, what we found is that so many people moved out of Half Hollow Hills School District, because people hitting that retirement age sold their homes, moved into the Greens and then all these homes were open at once. There was a flood on the market in Dix Hills and Melville. And so what happened was it was a hit to the bottom line in taxes because a lot of families came in all at once, and we got basically a flood of kids. They've had to build on the school district, they have had to do a number of things, so this the kind of concern ••

**LEG. VILORIA • FISHER:**

But those baby boomers could have moved anywhere.

**CHAIRMAN BINDER:**

They could have, but they •• but no. But the houses opened. Let's be honest, District Number Five, Half Hollow Hills is a very sought after district. So those baby boomers and post•baby boomers are looking and saying, well, I can get my kid in, there's a flood of houses and opportunities, and they bought the houses and a lot of kids came in. And those houses are not really made for seniors ••

**LEG. VILORIA • FISHER:**

What I meant was the baby boomers leaving their empty nests could have moved anywhere. So they could have all moved to Florida, and young people could have bought their homes. So

it seems, you know, a little misleading to say that these homes would have a direct impact on the school district. Actually, it would bring revenue into the school district. It would be •• people would be paying taxes and not impacting the school district. And so now it's clearer to me why all of the civics would have been encouraging this particular project, because if people were concerned about their taxes, they wouldn't have been in line to support it. Not to deny what you said, Mr. Binder, regarding there are groups that you know who are opposed to it, but I can understand this being strictly an age•limited project why there would be civics who would be so in support of it. Although I prefer a mixed•age project, but be that as it may, this is what it is.

**MR. LIBERT:**

Thank you, Legislator.

**CHAIRMAN BINDER:**

To conclude on this, it's not misleading because you can see a direct correlation from the Greens opening and people signing up, you can look at the number of people that went in, they could have gone anywhere, but they decided to leave their homes because this was an opportunity to stay in the area and around their kids and their families, and they were able to stay in Dix Hills because it was around the corner. So it was a huge opportunity for them. They could have gone anywhere, but they •• these were all the ones that they didn't want to. They wanted to keep in their homes, but they thought this was better and still appropriate to stay around there families in Dix Hills. So I have a motion and a second to table. All those in favor? Opposed?

**LEG. VILORIA•FISHER:**

Opposed.

**LEG. FOLEY:**

Opposed.

**CHAIRMAN BINDER:**

Legislator Foley, Legislator Vilorina•Fisher. It's **TABLED**.

**(VOTE: 4•2•0•0) (Opposed: Legis Foley and Vilorina•Fisher).**



**MR. LIBERT:**

Thank you, ladies and gentlemen.

**LEG. FOLEY:**

Thank you.

**CHAIRMAN BINDER:**

**1394, authorizing the execution of agreement between the County and CBS lines, Inc. for the enhanced bus services on Route S60 including additional service in the area of downtown Stony Brook (Viloria • Fisher).**

**LEG. VILORIA • FISHER:**

If I may, Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Viloria • Fisher.

**LEG. VILORIA • FISHER:**

Commissioner, I have not heard a determination from the DA, have you?

**COMMISSIONER BARTHA:**

No, I have not heard anything.

**LEG. VILORIA • FISHER:**

Mr. Zwirn have you? Okay. Good •• well, maybe not.

**MR. ZWIRN:**

No. I had a chance to speak with the District Attorney's Office yesterday, and this matter is no longer under investigation. They found no criminal wrongdoing on the part of CBS Lines. There may be some accounting irregularities, but nothing criminal.

**LEG. VILORIA • FISHER:**

Thank you. I will make a motion to approve.

**LEG. FOLEY:**

Second.

**LEG. O'LEARY:**

On the motion.

**CHAIRMAN BINDER:**

There's a motion to approve and a second by Legislator Foley. Legislator O'Leary.

**LEG. O'LEARY:**

I just want to affirm that I had the same conversation with respect to any •• the investigation and any possible criminality, and I was told that there was none.

**MR. ZWIRN:**

Yes. That was my understanding.

**LEG. O'LEARY:**

Mine as well. So just to verify from both sides of the aisle so to speak.

**LEG. VILORIA • FISHER:**

Thank you, Mr. O'Leary.

**LEG. O'LEARY:**

But I have a question of Counsel with respect to this initiative. This is an extension of an existing line. Does this require an RFP for purposes of extending the line?

**MS. KNAPP:**

In terms of the facts situation, I'm going to make certain assumptions that this is part of an existing bus route that may or may not have certain franchise rights attached to it, that this is a new part of it, which might make it subject to public bidding. However, I'm also going to guess that it's a very short extension so that it would be impractical to impact the existing route. Am I making assumptions here?

**LEG. VILORIA • FISHER:**

That you couldn't do it because it would be •• Bob?

**MR. SHINNICK:**

What you have just said is absolutely correct. The service essentially is an enhancement of an existing bus line, so most of the new service will be lying right on top of bus route S60.

**LEG. VILORIA • FISHER:**

So what you're saying is the bottom line is you can't put out an RFP because you would be competing with the existing franchise line.

**MR. SHINNICK:**

Yes. That's absolutely correct, yes.

**LEG. FOLEY:**

Through the Chair, we did the same similar when we extended the S66 route where we had, you know, direct linkage between Riverhead and Patchogue.

**MR. SHINNICK:**

In that case, we upgraded the existing bus line, but also did a significant expansion of the bus line itself.

**LEG. FOLEY:**

Far beyond this. It was with the operator of that particular route.

**CHAIRMAN BINDER:**

We have a motion and a second. All those in favor? Opposed? Abstentions? I'm going to abstain.

**LEG. CARPENTER:**

Abstain.

**LEG. O'LEARY:**

I'm in favor, by the way.

**CHAIRMAN BINDER:**

And that's **approved (VOTE: 4•0•2•0) (Abstentions: Legis. Carpenter and Binder).**

**LEG. FOLEY:**

Thank you.

**CHAIRMAN BINDER:**

**1440, to promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use (COOPER)**

**LEG. O'LEARY:**

Motion to table.

**CHAIRMAN BINDER:**

Seconded by myself. All those in favor? Opposed?

**LEG. FOLEY:**

Opposed.

**LEG. VILORIA•FISHER:**

Opposed.

**CHAIRMAN BINDER:**

**1444 is tabled (VOTE: 4•2•0•0) (Opposed: Legis Foley and Viloría•Fisher).**

**LEG. VILORIA•FISHER:**

If I may, Mr. Chair.

**CHAIRMAN BINDER:**

Legislator Viloría•Fisher. I just brought a Prius. They're wonderful. It would be great to have them as •• for our use. Why are we opposing hybrid vehicles? I'm just curious as to why we're tabling it at this point.

**LEG. FOLEY:**

Because it's not a political hybrid, it's only a mechanical hybrid.

**LEG. VILORIA • FISHER:**

Okay. I just want you to know as someone who drives them, they're terrific to drive.

**LEG. FOLEY:**

Have a cosponsorship of bipartisanship.

**LEG. VILORIA • FISHER:**

Commissioner, is there a reason why we're tabling it, to your knowledge?

**COMMISSIONER BARTHA:**

Well, we are proceeding with an initiative of the County Executive to purchase approximately five hybrid vehicles. We think this is •• we recently had a report prepared and we received a draft of it, that the County had a grant on studying hybrid vehicles. It's something we believe we should get into, we should certainly test, we should get into with caution. In the fleet right now, the Legislative fleet, none of it is scheduled to be replaced in the next year.

**CHAIRMAN BINDER:**

Basically it would be a toy for the Legislature, and that's a problem, and I don't know that we need to do that. I agree.

**COMMISSIONER BARTHA:**

The payback with the fuel savings based on this report does not match the premium we pay to buy the vehicle. There are environmental advantages, of course. And the information we have from the consultant indicates that in the 2007 model year, there would be more American suppliers in the business of hybrid vehicles rather than foreign supplies.

**LEG. VILORIA • FISHER:**

Are there NYSERDA grants available to help with the purchase?

**COMMISSIONER BARTHA:**

Sometimes there are. It was with a NYSERDA grant that we had the study done. I think it's prudent that we are going to have a test fleet of four or five of them, but I would prefer that we proceed along those lines before we make a wholesale investment such as for the entire Legislative section.

**LEG. VILORIA • FISHER:**

On the 4 to 5 cars, Commissioner, how much of that expenditure is defrayed through a Clean Cities grant?

**COMMISSIONER BARTHA:**

We are still looking at that.

**LEG. VILORIA • FISHER:**

I think Joe Schroeder may have an answer to that.

**MR. SCHROEDER:**

At the moment, the Clean Cities Coalition doesn't have an incentive program for the sedans. They have them for the larger vehicles.

**LEG. VILORIA • FISHER:**

I have seen them for buses, I have [seen|scene] them, but they don't have one available for the fleet.

**MR. SCHROEDER:**

They're looking into it, but at the moment, they don't have anything that would fit a sedan purchased for the Legislature or anybody else.

**COMMISSIONER BARTHA:**

There are other grant programs available that we're looking into, particularly the CMAC funds, and there are some funds that have been allocated in the County's CMAC funds, congestion mitigation and something else.

**MR. SHINNICK:**

Air quality.

**COMMISSIONER BARTHA:**

Air quality. Thank you, Bob. And what we're looking is if we could use that to cover the

incremental costs rather than the full purchase cost, and this way we would be able to have a larger fleet of them.

**LEG. VILORIA • FISHER:**

And what kind of milage were you figuring when you were doing the cost comparison? Because our Prius is getting about 48 miles to the gallon.

**COMMISSIONER BARTHA:**

It varies by model, and they do report certainly a big difference in them.

**LEG. VILORIA • FISHER:**

But it would still not •• even with the price of fuel being what it is now, it would not pay for itself?

**COMMISSIONER BARTHA:**

As I said, this is a draft report and the •• actually, fuel prices have escalated considerably since the report was drafted.

**LEG. VILORIA • FISHER:**

Well, probably the pilot then would be a very good indicator of how much we'll save in actual dollars. And five cars, you said?

**COMMISSIONER BARTHA:**

Yes.

**LEG. VILORIA • FISHER:**

Who will be driving them?

**COMMISSIONER BARTHA:**

We haven't established that.

**LEG. FOLEY:**

A lottery.

**LEG. VILORIA • FISHER:**

I say that Legislators who live farthest.

**CHAIRMAN BINDER:**

Legislator Kennedy. Schneiderman, would like to hear that.

**LEG. KENNEDY:**

Charlie, I just have basic questions for you on this. Are there any hybrids on, I guess, the OGS or state bid lists, the normal procedure that we use as an organization to go out and purchase vehicles?

**COMMISSIONER BARTHA:**

There's a Honda Civic and a Honda Accord as well as some SUVs and pick•up trucks that are on the state list.

**LEG. KENNEDY:**

Nothing from any of the domestic ••

**COMMISSIONER BARTHA:**

Well, the pick•ups and SUVs are domestic, they're Chevy and Fords. What we will be doing is when we do our purchase with our Local Preference Law, which the state doesn't include, and they're bid, of course, hopefully we will have a local dealership, but it will still likely be a vehicle that is manufactured either outside this country or with parts that have been manufactured outside the country.

**LEG. KENNEDY:**

What about the maintenance and, you know, ongoing repair of these vehicles, do you have anybody or do you anticipate having anybody trained in order to go ahead and be able to do maintenance and repair on this?

**COMMISSIONER BARTHA:**

That's something we would require, yes. We would have to have training for our people.

**LEG. KENNEDY:**



Do we know anything about what's involved in taking a regular automobile or diesel mechanic and training them in order to go ahead and be a hybrid mechanic?

**CHAIRMAN BINDER:**

That's kind of funny, a hybrid mechanic.

**LEG. KENNEDY:**

I mean, there are certain systems that you find in a hybrid vehicle that you just do not have in a regular internal combustion vehicle, correct?

**COMMISSIONER BARTHA:**

Yes. It's an entirely different type of transfer of power. So that's something that we would require •• need our mechanics to have specialized training in.

**LEG. KENNEDY:**

Okay. But we haven't explored that aspect of it yet?

**COMMISSIONER BARTHA:**

I hadn't personally yet, no.

**LEG. KENNEDY:**

Hopefully we will know a little more about that, I guess, as we go forward, correct?

**COMMISSIONER BARTHA:**

Yes. Absolutely.

**CHAIRMAN BINDER:**

Legislator Carpenter.

**LEG. CARPENTER:**

No.

**CHAIRMAN BINDER:**

Okay. That's tabled. 1584 is withdrawn. **Sense 50, Sense of the Legislature resolution that New York State assume responsibility for New Highway in the towns of**

**Huntington and Babylon (TONNA).** Commissioner, did you want to comment on that Sense Resolution?

**COMMISSIONER BARTHA:**

It's not a County road, that portion. The road does certainly need improvements. There's heavy traffic on that road, and I would suggest that it's really the state is the only one that would have the kind of resources to make the improvements necessary.

**LEG. FOLEY:**

Motion to approve.

**LEG. CARPENTER:**

Second and cosponsor.

**CHAIRMAN BINDER:**

Motion to approve by Legislator Foley, seconded by Legislator Carpenter. All those in favor? Opposed? APPROVED (VOTE: 6•0•0•0)

**1597, accepting and appropriating Federal aid, State aid, and County funds in connection with the purchase and installation of bus shelters (COUNTY EXEC)**

**CHAIRPERSON CARPENTER:**

Motion.

**LEG. FOLEY:**

Second.

**CHAIRMAN BINDER:**

These were recommitted. Before we •• I have a motion by Legislator Carpenter, seconded by Foley. These were recommitted because of the question of, if I'm right, it's a pay•as•you•go question. So I don't know if Ben left. I see the top of his head. There he is. Maybe Ben knows what we're doing on the pay•as•you•go on question on this.

**MR. ZWIRN:**

Thank you, Mr. Chairman. There were a number of amended corrected copies we did do with respect to some of the other Public Work's, bills but these traditionally, from what I understand and almost exclusively, have always been funded this way as opposed to pay•as•you•go would be going into a new direction where we haven't gone traditionally before. So we're staying with the traditional way of how this has been funded. We didn't think this would be a good •• while we have taken the Legislature's recommendation on a number of issues, this was one we didn't think was appropriate, these particular two grants.

**LEG. O'LEARY:**

This is bonding \$32,000.

**MR. ZWIRN:**

But there was •• I think we went through this last time. They just said it was part of the cost of the entire project. It was just not ••

**LEG. O'LEARY:**

And the next one, 1598, is bonding \$20,000.

**MR. ZWIRN:**

This is how they have been done traditionally, Legislator O'Leary. This is the way the Budget has always sent them over.

**LEG. O'LEARY:**

Well, it's the desire of this committee that the consideration be given to these pay•as•you•go monies.

**MR. ZWIRN:**

And I think ••

**LEG. O'LEARY:**

It was considered and rejected.

**MR. ZWIRN:**

I think, with all due respect, they did consider it, it doesn't mean •• in many cases, they have

taken the recommendation of the committee and the Legislature. And these two particular matters, they saw fit not to. As you will see, there are a number of ones where we have changed the source of funding.

**CHAIRMAN BINDER:**

Where are the shelters? Do you know? I don't know if Charlie ••

**COMMISSIONER BARTHA:**

There's a listing in the backup.

**LEG. FOLEY:**

Mr. Chairman, I think Mr. Shinnick wants to say a few words.

**MR. SHINNICK:**

If I may. On 1598 in particular, the resolution addresses the first step of a larger project. This is •• the capital project is about a two million dollar effort to install the ABL system itself. The first part is to retain the services of a consultant with expertise in the area to help us design and recommend a system to be acquired and be with the County through the procurement process. So it's linked to a larger project.

**LEG. FOLEY:**

Can I follow up?

**CHAIRMAN BINDER:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. So in other words, at least with the second one, 1598, we budgeted monies in the past as we are today as far as capitalizing that particular cost because it's folded into a larger project?

**MR. SHINNICK:**

That's absolutely correct. This is the first step of the acquisition.

**MR. ZWIRN:**

I think that's part of it. They roll these over into bigger capital projects.

**LEG. FOLEY:**

1598 is a larger one, although, through the Chair, 1597, though, in the past I have seen us appropriate monies either capital or as operating, we have done it either way in the past when it comes to the bus shelters. Now, all we're out laying is \$32,000, Bob, for the shelter?

**MR. SHINNICK:**

That's correct. Essentially it's a 90% grant; 80% federal and 10 New York State.

**LEG. FOLEY:**

All right. Mr. Chairman, some of us will try to move 1598 as it's sponsored •• as it's written rather •• well, 1598. But 1597 many of us do want to move forward with the resolution, but would you want to make it a committee bill to ••

**CHAIRMAN BINDER:**

I was just about to do that. I was going to ask if the committee concurs, I was going to make a motion to table, seconded by Legislator O'Leary and ask Counsel to draft a committee bill for pay•as•you•go. All in favor? Opposed? 1597 is **tabled (vote:6•0•0•0)**.

**1598, amending the 2005 Capital budget and Program and authorizing planning funds in connection with equipment for public transit vehicles • Automated Vehicle Locator System, accepting and appropriating federal aid, state aid and county funds (COUNTY EXEC).**

**LEG. FOLEY:**

Motion to approve.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN BINDER:**

Motion by Legislator Foley, seconded by Legislator Vilorio•Fisher. I guess that's the same question, so we don't have to go over it.

**LEG. CARPENTER:**

What's the amount.

**CHAIRMAN BINDER:**

How much is the amount? This is twenty ••

**LEG. FOLEY:**

Twenty thousand.

**CHAIRMAN BINDER:**

Twenty thousand. This is only ••

**LEG. FOLEY:**

It's part of a larger project.

**CHAIRMAN BINDER:**

So was the other one. Twenty thousand dollars. I mean, the problem is that a \$20,000 project becomes a \$40,000 project by the time we end up paying for it, when it's an inexpensive •• when something is this inexpensive ••

**LEG. FOLEY:**

Let me just follow up. It would be closer to a \$2 million project; is that correct?

**MR. SHINNICK:**

That's what we have grant funding for, yes. And that would be 80•10•10?

**MR. SHINNICK:**

Eighty•ten•ten, yes.

**LEG. FOLEY:**

That is as well?

**MR. SHINNICK:**

That is correct.

**LEG. FOLEY:**

All right. So again, even though it's part of a larger project, we're not going to be capitalizing that large amount of money, just 10% of it, correct?

**MR. SHINNICK:**

I'm not familiar with bonding procedures.

**LEG. FOLEY:**

We're capitalizing only the 10% even of the larger •• all right. I will withdraw the approval then.

**CHAIRMAN BINDER:**

I'm going to make a motion to table, seconded by Legislator O'Leary, that's the same motion, same second. Again, I'd ask Counsel to put together a resolution with pay•as•you•go. All in favor? Opposed? 1598 is **tabled (vote:6•0•0•0)**.

**1735, directing the Suffolk County Sewer Agency to prepare reports and make recommendations necessary to form a sewer district at Waverly Park Condominiums in the Town of Brookhaven (LINDSAY).**

**LEG. CARPENTER:**

Motion.

**CHAIRMAN BINDER:**

Motion by Legislator O'Leary, seconded by Legislator Carpenter. On the motion.

**LEG. LINDSAY:**

Yeah. I think there should be a corrected copy on this. It's not the Town of Brookhaven, it's

the Town of Islip. We did file a corrected copy.

**CHAIRMAN BINDER:**

I was wondering about that. It's Islip, and it's filed. We have a motion and a second. Is there any comments? All in favor? Opposed? 1735 is **APPROVED (VOTE:6•0•0•0)**. See, you came all the way here, Mr. Lindsay.

**LEG. LINDSAY:**

Hey, due diligence.

**LEG. VILORIA•FISHER:**

Look at all the fun he had.

**CHAIRMAN BINDER:**

He did. **1746, amending the Adopted 2005 Capital Budget and Program and appropriating the pay•as•you•go funds in connection with the painting of County bridges (COUNTY EXEC)**. Motion by Legislator O'Leary, seconded by Legislator Kennedy. All in favor? Opposed? **Approved (VOTE:6•0•0•0)**.

**1751, authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 67, Motor Parkway of LIE Exit 55, Towns of Islip and Smithtown (COUNTY EXEC)**.

**LEG. CARPENTER:**

Motion.

**CHAIRMAN BINDER:**

Motion by Legislator Carpenter, seconded by Legislator Kennedy. All in favor? Opposed? **Approved (VOTE:6•0•0•0)**.

**1762, transferring assessment stabilization reserve funds to the capital fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and**



**Program and appropriating funds for chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (COUNTY EXEC).**

**LEG. O'LEARY:**

Motion.

**CHAIRMAN BINDER:**

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? **Approved (VOTE:6•0•0•0).**

**1764, appropriating funds in connection with the assessment of Information System and Equipment (COUNTY EXEC).** Just let me ask, is this bond going to be •• is this a bond or is this pay•as•you•go? How are we doing this?

**LEG. VILORIA•FISHER:**

That took awhile to get out.

**CHAIRMAN BINDER:**

Sorry, it's not working.

**MS. VIZZINI:**

It's a serial bond, \$400,000, it's included in the Capital Budget.

**CHAIRMAN BINDER:**

Okay. We have a motion by Legislator O'Leary, seconded by Legislator Foley. All those in favor? Opposed? **Approved (VOTE:6•0•0•0).**

**1765, appropriating start•up funds in connection with the acquisition of properties for the County share for the reconstruction of CR 67, Motor Parkway at LIE, Exit 55, Towns of Islip and Smithtown (COUNTY EXEC).** Motion by Legislator Carpenter, seconded by Legislator Kennedy. I will reverse that.

**LEG. KENNEDY:**

Second.

**CHAIRMAN BINDER:**

I'm sorry.

**LEG. O'LEARY:**

Just a quick question on the motion.

**CHAIRMAN BINDER:**

Question on the motion, Legislator O'Leary.

**LEG. O'LEARY:**

The start•up funds are 25, 000, what's the source? You have any idea, Charlie, what the source of the funding is for the 25,000 start up.

**CHAIRMAN BINDER:**

Maybe Budget Review has it.

**COMMISSIONER BARTHA:**

There are sufficient funds in the Capital Program under that capital project number.

**LEG. O'LEARY:**

Under that project, there are sufficient funds? Okay. Thanks.

**CHAIRMAN BINDER:**

We have a motion and a second, all those in favor? Opposed? 1765 is **approved (VOTE:6•0•0•0)**

Sense Resolution.

**MS. MARTIN:**

We did that already.

**CHAIRMAN BINDER:**

Thanks. Anything else to come before the committee? If not, motion to adjourn, seconded by Legislator O'Leary. All in favor? Opposed? We're adjourned.

**(\*The meeting was adjourned at 2:30 P.M.\*)**

**Legislator Allan Binder, Chairman**

**Public Works & Public Transportation Committee**

**\\_ \\_ Denotes Spelled Phonetically**